

**MINUTES OF THE COMMON COUNCIL
IN REGULAR SESSION
May 8, 2012**

A regular session of the Winchester Common Council was held on Tuesday, May 8, 2012 in the Council Chambers, Rouss City Hall. President Jeffrey Buettner called the meeting to order at 7:01 p.m.

PRESENT: President Jeff Buettner; Councilor Evan Clark, John Hill, John Tagnesi, Les Veach and Ben Weber; Vice-Mayor Milt McInturff; Mayor Elizabeth Minor; Vice-President John Willingham (9)
ABSENT: None (0)

INVOCATION – Reverend George Fletcher of First Baptist Church delivered the invocation.

PLEDGE OF ALLEGIANCE – Mayor Minor led the citizens and councilors in the Pledge of Allegiance.

APPROVAL OF MINUTES – April 10, 2012 Regular Meeting

Vice-President Willingham moved to approve the April 10, 2012 minutes as presented. *The motion was seconded by Councilor Weber then unanimously approved by voice-vote.*

REPORT OF THE MAYOR

Mayor Minor announced there will be a Green Circle Trail Stakeholders Open House on Monday, May 21st, at Rouss City Hall.

Mayor Minor thanked the Public Works Department for the wonderful job they did cleaning up after Apple Blossom.

REPORT OF THE CITY MANAGER

City Manager Dale Iman stated he did not have a report to present.

REPORT OF THE CITY ATTORNEY

City Attorney Anthony Williams stated he received a request from the Zoning Administrator that O-2012-10 be tabled after the public hearing. The ownership of the property will be transferred within 30 days and staff is confident the new owner will work on the issues.

PUBLIC HEARINGS

O-2012-09: Public Hearing – AN ORDINANCE TO VACATE A PORTION OF SPRING STREET RIGHT-OF-WAY ADJACENT TO 1462 GREYSTONE TERRACE AND CONVEY IT TO THE OWNER OF THE ADJACENT PROPERTY SV-12-78

No citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:06 p.m.

O-2012-12: Second Reading – AN ORDINANCE TO AUTHORIZE THE CITY MANAGER TO SIGN A PERFORMANCE AGREEMENT BY AND BETWEEN THE CITY OF WINCHESTER, THE ECONOMIC DEVELOPMENT AUTHORITY, AND RUBBERMAID COMMERCIAL PRODUCTS, LLC, AND TO APPROPRIATE \$300,000 AND ESTABLISH A RESERVE OF \$400,000 FOR THE LOCAL MATCH TO THE GOVERNOR’S OPPORTUNITY FUND

No citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:07 p.m.

Vice-President Willingham moved to adopt O-2012-12. *The motion was seconded by Mayor Minor then adopted by the affirmative roll-call vote of a majority of all members of the Common Council, the ayes and nays being recorded as shown below:*

<u>MEMBER</u>	<u>VOTE</u>
Councilor Clark	Aye
Councilor Hill	Aye
Vice-Mayor McInturff	Aye
Mayor Minor	Aye
Councilor Tagnesi	Aye
Councilor Veach	Aye
Councilor Weber	Aye
Vice-President Willingham	Aye
President Buettner	Aye

O-2012-10: Second Reading – AN ORDINANCE TO DECLARE A BLIGHTED PROPERTY AND ABATE A PUBLIC NUISANCE BY APPROVING AND ADOPTING A SPOT BLIGHT ABATEMENT PLAN PURSUANT TO SECTION 6-133 OF THE WINCHESTER CITY CODE, FOR THE STRUCTURE AND PROPERTY LOCATED AT 31 EAST PICCADILLY STREET SBA-09-01

No citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:07 p.m.

Vice-President Willingham moved to table O-2012-10. *The motion was seconded by Councilor Veach then unanimously approved by voice-vote.*

O-2012-11: Second Reading – AN ORDINANCE TO AMEND AND RE-ADOPT SECTION 23-6 OF THE WINCHESTER CITY CODE PERTAINING TO THE POSTING OF NO TOBACCO SIGNS IN CITY PARKS

No citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:08 p.m.

Councilor Tagnesi moved to adopt O-2012-11. *The motion was seconded by Councilor Veach then adopted by the affirmative roll-call vote of a majority of all members of the Common Council, the ayes and nays being recorded as shown below:*

<u>MEMBER</u>	<u>VOTE</u>
Councilor Clark	Aye
Councilor Hill	Aye
Vice-Mayor McInturff	Aye
Mayor Minor	Aye
Councilor Tagnesi	Aye
Councilor Veach	Aye
Councilor Weber	Aye
Vice-President Willingham	Aye
President Buettner	Aye

CU-12-96: Conditional Use Permit – Request of the Economic Development Authority for a conditional use permit for a two-family dwelling at 513 North Loudoun Street (Map Number 153-01-D-11) zoned Limited High Density Residential (HR-1) District.

No citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:09 p.m.

Mayor Minor moved to approve CU-12-96. *The motion was seconded by Councilor Weber then unanimously approved by voice-vote.*

CU-12-151: Conditional Use Permit – Request of Mark C. Green for a conditional use permit for a two-family dwelling at 542 Gray Avenue (Map Number 174-03-9) zoned Limited High Density Residential (HR-1) District.

No citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:09 p.m.

Vice-President Willingham moved to approve CU-12-151. *The motion was seconded by Mayor Minor then unanimously approved by voice-vote.*

CU-11-62: Conditional Use Permit – Request to revoke the conditional use permit to operate a nightclub establishment at TC Tooties Historic Sports Pub

Bert Cole of 27985 Old Valley Pike in Toms Brook, Virginia, stated he is the father of the applicant. Mr. Cole stated his son had surgery today and asked that the item be tabled one month so his son could be here.

Ryan Chamberlain of 802 Christiansen Drive in Strasburg, Virginia, stated he is a silent partner of the applicant. He requested the item be tabled in light of the applicant's surgery.

No further citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:11 p.m.

Vice-President Willingham moved to table CU-11-62 for 30 days. *The motion was seconded by Councilor Weber then unanimously approved by voice-vote.*

PUBLIC COMMENTS

No citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:11 p.m.

CONSENT AGENDA

Appointment: Motion to appoint Dale Iman as the Clerk of Council.

Appointment: Motion to appoint Dale Iman as a member of the Juvenile Detention Commission for an indefinite term.

Appointment: Motion to appoint Dale Iman as a member of the Local Board of Social Services for an indefinite term.

Appointment: Motion to appoint Dale Iman as a member of the Winchester-Frederick County Metropolitan Planning Organization for an indefinite term.

Appointment: Motion to appoint Dale Iman as a member of the Old Town Development Board for an indefinite term.

Appointment: Motion to appoint Dale Iman as the Administrative Advisory Member of the Planning Commission for a term that is coextensive with the term in office.

Appointment: Motion to appoint Dale Iman as an ex-officio member of the Social Services Advisory Board.

Vice-President Willingham moved to approve the Consent Agenda as presented. *The motion was seconded by Vice-Mayor McInturff then unanimously approved by voice-vote.*

AGENDA

O-2012-14: First Reading – AN ORDINANCE TO AUTHORZE THE ADDITIONAL APPROPRIATION OF FUNDS FOR NECESSARY EXPENDITURES OF THE CITY OF WINCHESTER, VIRGINIA FOR THE FISCAL YEAR ENDING JUNE 30, 2012

O-2012-15: First Reading – AN ORDINANCE TO VACATE A PORTION OF VALLEY AVENUE RIGHT-OF-WAY ADJACENT TO 1000 VALLEY AVENUE AND CONVEY IT TO THE OWNER OF THE ADJACENT PROPERTY

O-2012-16: First Reading – AN ORDINANCE TO AUTHORIZE THE ACQUISITION OF 119-129 NORTH LOUDOUN STREET, WINCHESTER, VIRGINIA (TAYLOR HOTEL)

O-2012-17: First Reading – AN ORDINANCE TO AUTHORIZE THE APPROPRIATION OF FUNDS FOR NECESSARY EXPENDITURES OF THE CITY OF WINCHESTER, VIRGINIA FOR THE FISCAL YEAR ENDING JUNE 30, 2013

R-2012-28: Resolution – Authorization for the use of a Collection Agency to collect delinquent personal property taxes per State Code 58.1-3919.1

Councilor Weber moved to approve R-2012-28. *The motion was seconded by Councilor Clark then unanimously approved by voice-vote.*

R-2012-32: Resolution – Accept the Old Town Development Board Final Recommendation for Improvements to be included within the Pedestrian Mall Improvement Project in 2013 (originally presented at March 20, 2012 Work Session as R-2012-17)

Vice-President Willingham moved to approve R-1012-32. *The motion was seconded by Councilor Veach then unanimously approved by voice-vote.*

R-2012-29: Resolution – Authorization for the issuance and sale of General Obligation Public Improvement Refunding Bonds of the City of Winchester, Virginia, in a maximum principal amount of \$30,000,000

Vice-President Willingham moved to approve R-2012-29. *The motion was seconded by Councilor Veach then unanimously approved by voice-vote.*

R-2012-31: Resolution – Approve and authorize the Manager to execute the agreement, contract, and other necessary documents for the HUD 108 loan regarding the Taylor Hotel blight abatement project

Councilor Veach moved to approve R-2012-31. The motion was seconded by Councilor Tagnesi then approved 8/0/1 with Vice-President Willingham abstaining.

R-2012-30: Resolution – Approve and authorize the manager to execute an agreement to amend the City's Right of Reverter on 29-35 East Boscawen Street

Vice-President Willingham moved to approve R-2012-30. *The motion was seconded by Mayor Minor then unanimously approved by voice-vote.*

Motion to appoint Perry Eisenach, Scott Cullers, and Jim Deskins as in-house viewers for: AN ORDINANCE TO VACATE A PORTION OF SPRING STREET RIGHT-OF-WAY ADJACENT TO 1462 GREYSTONE TERRACE AND CONVEY IT TO THE OWNER OF THE ADJACENT PROPERTY SV-12-78

Vice-President Willingham moved to approve the appointments for the in-house viewers. *The motion was seconded by Councilor Tagnesi then unanimously approved by voice-vote.*

Motion to direct the Clerk of Council to prepare Certificates of Appreciation for Patrick Farris and Cathy Shore as members of the Board of Architectural Review

Vice-President Willingham moved to approve the Certificates of Appreciation. *The motion was seconded by Councilor Veach then unanimously approved by voice-vote.*

Motion to direct the Clerk of Council to prepare a Certificate of Appreciation for Randy Bryant as a member of the Winchester School Board

Vice-Mayor McInturff moved to approve the Certificate of Appreciation. *The motion was seconded by Councilor Tagnesi then unanimously approved by voice-vote.*

Motion to add the following item to tonight's agenda: Resolution to approve and adopt the 2012 Annual Action Plan for the use of CDBG and HOME funds

Vice-Mayor McInturff moved to add the resolution to the agenda. *The motion was seconded by Councilor Weber then unanimously approved by voice-vote.*

Resolution to approve and adopt the 2012 Annual Action Plan for the use of CDBG and HOME funds

Vice-Mayor McInturff moved to approve the resolution for the 2012 Annual Action Plan. *The motion was seconded by Mayor Minor then approved 8/0/1 with Vice-President Willingham abstaining.*

EXECUTIVE SESSION - MOTION TO CONVENE IN EXECUTIVE SESSION PURSUANT TO §2.2-3711(A)(7) OF THE CODE OF VIRGINIA FOR THE PURPOSE OF RECEIVING LEGAL ADVICE AND STATUS UPDATE FROM THE CITY ATTORNEY AND LEGAL CONSULTATION REGARDING THE SUBJECT OF SPECIFIC LEGAL MATTERS REQUIRING THE PROVISION OF LEGAL ADVICE BY THE CITY ATTORNEY AND MATTERS OF ACTUAL OR PROBABLE LITIGATION AND PURSUANT TO §2.2-3711(A)(1) OF THE CODE OF VIRGINIA FOR THE PURPOSE OF DISCUSSION PERTAINING TO THE SUBJECT OF APPOINTMENT OF SPECIFIC PUBLIC OFFICERS AND APPOINTEES INCLUDING THE APPOINTMENT OF OR PROSPECTIVE APPOINTMENT OF MEMBERS TO CERTAIN BOARDS AND COMMISSIONS BY COMMON COUNCIL

Vice-President Willingham moved to convene into executive session at 7:16 p.m. *The motion was seconded by Mayor Minor then unanimously approved by voice-vote.*

Vice-Mayor McInturff moved to reconvene in open session at 8:19 p.m. *The motion was seconded by Vice-President Willingham then unanimously approved by voice-vote.*

Upon returning, each member certified that only public business matters lawfully exempted from open meeting requirements of the Virginia Freedom of Information Act were discussed during the closed meeting, and that only those public business matters identified in the motion which convened the closed meeting were heard, discussed, or considered during the closed meeting.

A roll call vote was taken, the ayes and nays being recorded as shown below:

MEMBER

VOTE

Councilor Clark	Aye
Councilor Hill	Aye
Vice-Mayor McInturff	Aye
Mayor Minor	Aye
John Tagnesi	Aye
Councilor Veach	Aye
Councilor Weber	Aye
Vice-President Willingham	Aye
President Buettner	Aye

Motion for the Nomination of _____, _____, _____, and _____ for appointment/re-appointment to the School Board and direct the Clerk of Council to issue a Notice of a Public Hearing for citizen comment on same in accordance with §22.1-29.1 of the Code of Virginia.

Vice-President Willingham moved to nominate John Bishop for reappointment and Erica Truban and Mary Margaret Wise for appointment to the School Board. *The motion was seconded by Councilor Veach then unanimously approved by voice-vote.*

Motion to appoint _____, _____, _____, _____, and _____ as members of the Fire Prevention Code Board of Appeals for a 5 year term each expiring June 30, 2017

Vice-President Willingham moved to appoint Lew Dowdy, Sr., Larry Baker, Dan Ritchie, Richard Molden, and Richard Nelson to the Fire Prevention Code Board of Appeals. *The motion was seconded by Councilor Weber then unanimously approved by voice-vote.*

Motion to appoint _____, _____, _____, _____, and _____ as members and _____ as an alternate member of the Board of Building Code Appeals for a five year term each expiring December 31, 2017

Vice-President Willingham moved to appoint Hunter Hurt, Christopher Molden, Charles Worthington, Jr., Richard Ridgell, and Richard Nelson as members and John Dick as an alternate member of the Board of Building Code Appeals. *The motion was seconded by Mayor Minor then unanimously approved by voice-vote.*

ADJOURNMENT

Mayor Minor moved to adjourn the meeting at 8:21 p.m. *The motion was seconded by Vice-President Willingham then unanimously approved by voice-vote.*

Kari J. Van Diest
Deputy Clerk of the Common Council